

CLAIM AMENDMENTS

1. (Previously presented) A DNA plasmid comprising a T-DNA comprising an *Agrobacterium* Ti plasmid first border region linked to at least one transgene linked to an *Agrobacterium* Ti plasmid second border region, and located in the DNA plasmid outside of the T-DNA is a plant expression cassette comprising a plant cell non-lethal negative selectable marker gene linked to a vector backbone DNA, wherein the plant cell non-lethal negative selectable marker gene is a gibberellic acid pathway substrate diverting gene.

2. (Previously presented) The DNA plasmid of claim 1, wherein said plant expression cassette comprises a promoter that functions in plant cells operably linked to the plant cell non-lethal negative selectable maker gene.

3. (Original) The DNA plasmid of claim 2, wherein said promoter is a constitutive promoter.

4. (Previously presented) The DNA plasmid of claim 2, wherein said promoter induces expression of said linked non-lethal negative selectable maker gene product in tissue culture during plant regeneration.

5-9. (Cancelled)

10. (Original) The DNA plasmid of claim 1, wherein said transgene is a plant positive selectable marker gene selected from the group consisting of antibiotic resistance and herbicide resistance.

11. (Original) The DNA plasmid of claim 1, wherein said transgene comprises a transgene of agronomic interest.

12-14. (Cancelled)

15. (Previously presented) The DNA plasmid of claim 1, wherein said gibberellic acid pathway substrate-diverting gene is selected from the group consisting of gibberellic acid 20-oxidase, gibberellic acid 2 β , 3 β hydroxylase, and a phytoene synthase gene.

16-19. (Cancelled)

20. (Withdrawn-currently amended) A method for enhancing the selection of transgenic plants that do not contain vector backbone DNA comprising the steps of: a) transforming a plurality of plant cells with the DNA plasmid of claim 1, wherein at least one transgene of the DNA plasmid of claim 1 is a plant positive selectable marker gene;~~and~~ b) selecting said plant cells on a positive selection compound; ~~and~~ c) regenerating said selected plant cells into plants; and d) analyzing the plants for the presence of vector backbone DNA.

21. (Cancelled)

22. (Withdrawn-currently amended) A method for reducing the copy number of a transgene in a plant cell comprising the steps of: a) transforming a plurality of plant cells with the DNA plasmid of claim 1, wherein at least one transgene of the DNA plasmid of claim 1 is a plant positive selectable marker gene;~~and~~ b) selecting said transformed plant cells on a positive selection compound; ~~and~~ c) regenerating said selected plant cells into plants; and d) assaying the plants for the copy number of a transgene.

23. (Cancelled)

24. (Cancelled)

25. (Currently amended) ~~The DNA plasmid of claim 1~~ A DNA plasmid comprising a T-DNA comprising an *Agrobacterium* Ti plasmid first border region linked to at least one transgene linked to an *Agrobacterium* Ti plasmid second border region, and located in the DNA plasmid outside of the T-DNA is a plant expression cassette comprising a plant cell non-lethal

negative selectable marker gene linked to a vector backbone DNA, wherein the plant cell non-lethal negative selectable marker gene is a gibberellic acid pathway substrate diverting gene,

wherein said non-lethal negative selectable marker gene encodes phytoene synthase.

26. (Previously presented) The DNA plasmid of claim 25, wherein said non-lethal negative selectable marker gene is crtB.